

AMENDMENT

REMARKS

The Office Action mailed on July 12, 2005 is acknowledged. Applicant respectfully requests entry of the above-amendments and consideration of the following remarks.

Basis for the amendments can be found throughout the specification. Specific basis for the amendments can be found at least at paragraphs [006] and [011].

Rejection of Claims 1-3 and 5-20 over Axelrod et al. and Wang

The Examiner has rejected claims 1-3 and 5-20, under 35 U.S.C. § 103(a), as being unpatentable over Axelrod et al. (6,586,027), in view of Wang (6,455,083).

Claims 1 and 12, upon entry of the above-amendments, have been amended to recite that the "animal product comprises . . . less than about 20% moisture content by weight" *and* "carrying agent comprises . . . powdered vegetable starches".

Applicant respectfully submits that, inter alia, Axelrod and Wang—either by themselves or in combination with each other—do not disclose or teach all the elements and limitations of the present invention as claimed. In particular, Axelrod and/or Wang do not disclose or teach: (1) "animal product comprises at least one type of meat", (2) "carrying agent comprises a copolymer *and* powdered vegetable starches", and (3) "animal product comprises: (i) a particle size of between about 300 and about 1,200 microns, *and* (ii) less than about 20% moisture content by weight".

For at least the foregoing reason, Applicant respectfully submits that claims 1-3 and 5-20 distinguish over any and all disclosure and teaching of Axelrod and/or Wang. As such, Applicant respectfully requests that the rejections, under 35 U.S.C. § 103(a), of claims 1-3 and 5-20 be removed from the present application and that the application be found in a condition for allowance.

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Rejection of Claim 4 over Axelrod, Wang and Gluck et al.

The Examiner further rejected claim 4, under 35 U.S.C. § 103(a), as being unpatentable over Axelrod and/or Wang as applied to claims 1-3 and 5-20, and further in view of Gluck et al.

As discussed above with regard to the rejections of claims 1-3 and 5-20, Axelrod and/or Wang—either by themselves or in combination with each other—do not disclose or teach the unique combination of elements of the present invention. This lack of disclosure is not helped by the disclosure of Gluck et al. In fact, Applicant respectfully submits that the combination of Gluck et al. with Axelrod and/or Wang is improper. Gluck et al. strongly teaches away from the element of meat as Gluck et al. discloses and teaches a “*Vegetarian pet treat*”. In absence of further teaching or disclosure, it is not at all clear how one of skill in the art would come to combine Gluck et al. with Axelrod and/or Wang—even more, reach a working combination.

For at least the foregoing reason, Applicant respectfully submits that claim 4 distinguishes over any and all disclosure and teaching of Axelrod, Wang and/or Gluck et al. As such, Applicant respectfully requests that the rejection, under 35 U.S.C. § 103(a), of claim 4 be removed from the present application and that the application be found in a condition for allowance.

Conclusion

For the reasons set forth above, Applicant believes all pending claims are allowable. Accordingly, Applicant believes that the present application is in condition for allowance and respectfully requests passage thereof. Applicant invites the Examiner to contact Applicant's undersigned representative should there be any remaining issues in the application.

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Please charge any underpayment of fees due in connection with the filing of this paper to Deposit Account No. 11-0160 and please credit any excess fees to such deposit account.

Respectfully submitted,



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